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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Implementation of Sections 3(n) )  
and 332 of the Communications Act ) GN Docket No. 93-252  
 )  
Regulatory Treatment of Mobile )  
Services )

To: The Commission

**REPLY TO THE COMMENTS**  
**OF NEXTEL COMMUNICATIONS, INC.**

Dru Jenkinson, Inc., Tad Dobbs, Inc., Shelly Curttright, Inc., Jana Green, Inc., and Joan Moore, Inc. are applicants ("Applicants") for Specialized Mobile Radio ("SMR") licenses. Applicants hereby submit this Reply to the Comments of Nextel Communications, Inc.

**INTRODUCTION**

Applicants, being independent of each other, filed separate and independent applications with the Commission seeking SMR licenses which would permit their competitive entry into the telecommunications industry. For each Applicant, the sole shareholder is a woman. Applicants join in the filing of this Reply because Applicants are similarly situated and therefore share a common interest with regard to the Comments of Nextel Communications, Inc. ("Nextel").

More specifically, during the fall of 1993, Applicants separately and independently filed numerous applications for SMR licenses ("Applications") with the FCC. The Applications are currently pending with the FCC awaiting license

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processing. The Applications are the product of extensive engineering with the assistance of frequency coordination based upon the FCC database available at the time of preparation of the Applications. Further, Applicants have received no notices of "wait-listing" from the FCC with regard to any of the Applications. Accordingly, Applicants are confident that the FCC will eventually issue numerous SMR licenses based on the Applications to the Applicants.

### **ARGUMENT**

Nextel, in a "bootstrap" fashion of argument, seeks to reconstruct the licensing and operational environment of Specialized Mobile Radio (SMR) for the sole advantage and benefit of Nextel. Such approach is purely selfish and totally contradictory to the FCC's mandated regulatory purpose of ensuring competition for the benefit of the public.

Nextel admits that it is the only operating ESMR and then proposes a deadline of August 10, 1994, for anyone else to apply for ESMR status. Nextel's Comments make no provision for the protection of the Applications, nor the Applicants. The Applicants, like Nextel, seek and have acted upon the opportunity to construct communications networks which will provide service to the public. In reliance upon the applicable regulations existing at the time of filing, Applicants have invested substantial sums of money, time, and resources in the engineering for and preparation and filing of the Applications. In that regard, upon the issuance of licenses based upon the Applications, Applicants seek to compete with other service providers which include cellular operators as well as Nextel. In contrast, Nextel seeks to "limit" competition within the SMR industry by requesting that the FCC embrace a classification mechanism tailored to benefit only Nextel. The FCC is mandated to protect the interest of the public by fostering competition and, thereby, must not modify the regulatory environment in

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any way which forsakes the competitive opportunities of the Applicants by promoting and protecting the selfish and monopolistic interest of Nextel.

**CONCLUSION**

Applicants respectfully request that the FCC protect the interest of small businesses and minority businesses with regard to the existing opportunities for entry into the SMR industry. In that regard, Applicants support any and all efforts of the FCC to promote and protect the competitive environment of the SMR industry. As Nextel's Comments seek to modify the SMR industry regulations to create an antithetical situation to the FCC's mandate to foster competition, Nextel's Comments should be rejected.

Respectfully Submitted,



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Dated: July 8, 1994

## **CERTIFICATE OF SERVICE**

I, K. Steven Roberts, hereby certify that on this the 8th day of July, I caused a true and complete copy of the foregoing Reply to the Comments of Nextel Communications, Inc. to be served by postage-prepaid U.S. mail to the following:

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